

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA**

DUSTIN LANCE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV 17-378-JHP
)	
BOARD OF COUNTY COMMISSIONERS)	
OF THE COUNTY OF PITTSBURG,)	
STATE OF OKLAHOMA,)	
)	
CHRIS MORRIS, as Sherriff of Pittsburg)	
County, State of Oklahoma, and)	
)	
JOEL KERNS, as Sherriff of Pittsburg)	
County, State of Oklahoma)	
)	
DEPUTY MIKE SMEAD¹,)	
DEPUTY DAKOTA MORGAN,)	
DEPUTY EDWARD MORGAN)	
DEPUTY STEPHEN SPARKS)	
DORIS CRAWFORD, RN,)	
JOHN DOES 1-10,)	
As Employees of the Pittsburg County)	
Sherriff's Office,)	
)	
Defendants.)	

FIRST AMENDED COMPLAINT

COMES NOW the Plaintiff, Dustin Lance, and for his cause of action against the Defendants, Board Of County Commissioners Of The County of Pittsburg, State Of Oklahoma, Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma

¹ The name of the individual deputies and employees are as close to approximate as is currently known. Plaintiff will supplement and Amend with the full and correct name of each individual Defendant as soon as possible.

Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office, alleges and states as follows:

1. That all incidents alleged herein occurred in Pittsburg County, State of Oklahoma, and it is believed all Defendants reside in Pittsburg County, Oklahoma. Therefore, this Court has jurisdiction to this matter.

2. That on or about December 15, 2016, Dustin Lance was admitted into the Pittsburg County jail on charges of burglary and possession of controlled dangerous substances. He was awaiting trial and had not been convicted. That while in the jail, he was in the custody of and under the control of Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma, Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office. That as a result of his incarceration, these Defendants were responsible for the care, safety, well being and medical treatment of Dustin Lance.

3. That on December 15, 2016, Plaintiff took a medication that was given to him by another inmate inside Pittsburg County Detention Center. This pill caused Plaintiff to have a penile erection.

4. The next morning, December 16, 2016, Plaintiff still had an erect penis. It had become unbearably painful. Plaintiff reported this to Defendants and explained this condition had been in place since the night before, December 15, 2016.

5. That Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma, Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office, were fully aware of Dustin Lance's medical condition.
6. That Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma, Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office, would not render medical treatment, or provide access to medical care for Plaintiff.
7. That, from December 15, 2016 until December 19, 2016, Dustin Lance suffered from an erect penis. That, Plaintiff repeatedly requested that Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, employees of the Pittsburg County Sheriff 's Office who were the agents of Chris Morris, and Joel Kerns acting in his capacity as Pittsburg County Sheriff, and acting under the Supervision of the Board of Commissioners, allow Dustin Lance to have receive medical treatment. That said Deputies unduly delayed taking Dustin Lance to a physician or hospital and refused him any on site medical treatment until December 19, 2016, and, as a result of the gross negligence or reckless disregard for his welfare by the Defendants', Plaintiff suffered irreparable harm to his penis.
8. Defendants repeatedly mocked Plaintiff for his condition over the period

of days while denying him medical treatment.

9. Plaintiff complained to Defendants over these several days of intense and excruciating pain to his penis. Plaintiff continually informed Defendants that he had an erection that would not go away.

10. Defendants knew, or had reason to believe, that a failure to provide medical treatment to Plaintiff in a reasonable time frame could result in permanent injury to his penis. Any person that watches television has almost certainly seen Viagra or Cialis advertisements which tell people to see a doctor for an erection lasting four or more hours. Plaintiff's erection lasted at a minimum of 91 hours.

11. Defendants finally transported Plaintiff to McAlester Regional Hospital around 11:45 a.m. on December 19, 2016. By this point, he had suffered permanent damage to his penis as a result of the gross negligence or reckless disregard of Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma, Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office,.

12. Physicians at McAlester Regional Hospital were unable to relieve or treat Plaintiff's penis and told the Defendants that Plaintiff needed immediate transfer to a Tulsa hospital to be seen by a urologist specialist.

13. Dr. Gary Lee at the McAlester Regional Hospital Emergency Room had

arranged for Plaintiff's transfer to St. John's Hospital in Tulsa. Dr. Lee explained the serious nature of Plaintiff's injury to Defendants when he instructed them the urgent need for Plaintiff to be sent to St. John's in Tulsa.

14. Defendants did not immediately transfer Plaintiff to any Tulsa hospital or to any urology specialist. Defendants too Plaintiff back to the Pittsburg County Detention Center. Defendants then sought to release Plaintiff on an own recognizance bond. This process required additional procedures that further delayed the treatment for Plaintiff.

15. That Dustin Lance's permanent injury was caused by the unnecessary and grossly negligent delay in providing him medical treatment, even though Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma, Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office, were fully aware of Plaintiff's serious medical condition. That, as a result, Dustin Lance's injury was directly and proximately caused by the gross negligence or reckless disregard of his welfare by Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma, Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office,, in one or more of the following:

- a. Reckless and willful failure to provide proper medical care to Dustin Lance;

b. Reckless and willful failure to properly monitor the health of Dustin Lance;

c. Reckless and willful failure to provide medication as needed; and

d. Reckless and willful failure to seek appropriate medical care as needed.

WHEREFORE, Plaintiff, Dustin Lance, prays for judgment against the Board of County Commissioners of the County of Pittsburg, State of Oklahoma, Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma, Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office, in an amount not less than \$5,000,000.00.

SECOND CAUSE OF ACTION

For his second cause of action, Dustin Lance, adopts and releages all the material allegations contained in the First Cause of Action and further states:

1. That the injuries to Dustin Lance was caused by a violation of his constitutional and Civil Rights by the Board of County Commissioners of the County of Pittsburg, State of Oklahoma (hereinafter referred to as "Board of Commissioners"), Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma, Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office, in one or more of the following:

a. Willfully and recklessly failing to properly train and supervise personnel;

b. Willfully and recklessly failing to provide sufficient and proper medical care;

c. Willfully and recklessly failing to provide sufficient and proper medication for Dustin Lance;

d. Willfully and recklessly failing to promulgate and adopt appropriate procedures for dealing with medical emergencies.

e. Violation of Dustin Lance's Eighth Amendment right against cruel and unusual punishment in that he was wantonly and unnecessarily refused the medical treatment that would have saved his life despite the fact that Pittsburg County Jail employees knew of his serious medical condition and were informed of his deteriorating status by cellmates, and/or in that Pittsburg County Jail employees were deliberately indifferent to Dustin Lance's medical condition and willfully refused him treatment.

f. Violation of Dustin Lance's Constitutional right to substantive due process in that Pittsburg County Jail employees willfully and recklessly ignored their duty to assume responsibility for his safety and general well-being after Pittsburg County had confined Dustin Lance against his will.

g. Violation of Dustin Lance's civil rights, which are protected under 42 U.S.C. sec. 1983 in that Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office, willfully and recklessly ignored their duty to protect and not harm inmates who they were responsible for their life, safety, and general well-being while such inmates were confined in their custody.

2. That these violations of Dustin Lance's basic and Constitutional and civil rights by Board of County Commissioners of the County of Pittsburg, State of Oklahoma Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma, Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office, resulted in the pain, suffering, and permanent injury of Dustin Lance.

3. That, as a result of these violations of his Constitutional and civil rights, is entitled to a judgment against the Board of County Commissioners of the County of Pittsburg, State of Oklahoma, and Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma, Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office, in an amount not less than \$5,000,000.00.

WHEREFORE DUSTIN LANCE, prays for judgment against the Board of County Commissioners of the County of Pittsburg, State of Oklahoma, and Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma, Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office, in an amount not less than \$5,000,000.00.

THIRD CAUSE OF ACTION

For his third cause of action, Dustin Lance, relleages and restates all the material allegations contained in the first and second causes of action and further alleges and states as follows:

1. That the actions of Board of County Commissioners of the County of Pittsburg, State of Oklahoma, and Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma, Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office, in failing to provide proper medical care causing undue and unnecessary delay in providing treatment to Dustin Lance constituted willful wanton conduct and gross negligence and entitles Plaintiff to punitive damages to punish such behavior by them and to deter such future behavior by others.

2. That the Sherriff of any county is a trusted public official charged with protecting and defending the Constitutional and civil rights of all persons in the County and especially of those under his control and supervision in the county jail. That the Board of Commissioners is responsible for the supervision and inspection of the jail and for maintaining security and safety as well as the well-being of inmates in the jail. That, further, the Board of Commissioners and the Sherriff should be held to a high standard of conduct and should be appropriately punished when failing to maintain even minimum standards. That an appropriate punishment can only come through monetary penalty and this should be accomplished through an award of punitive damages in an amount not less than \$5,000,000.00

WHEREFORE DUSTIN LANCE, prays for judgment against Board of County Commissioners of the County of Pittsburg, State of Oklahoma, and Chris Morris, as Sherriff of Pittsburg County, State of Oklahoma, and Joel Kerns, as Sherriff of Pittsburg County, State of Oklahoma, Deputy Mike Smead, Deputy Dakota Morgan, Deputy Edward Morgan, Deputy Stephen Sparks, Doris Crawford, RN, John Does 1-10, as Employees of the Pittsburg County Sherriff's Office, in an amount not less than \$5,000,000.00.

Respectfully submitted,

GRIFFIN, REYNOLDS & ASSOCIATES

____s/Jon Williford____
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